

Resolution Relating to

RESOLUTION

Sponsor(s): Councilors Keogh, Wright
Paul: Bd. of Finance

Introduced: 5/16/2011

Referred to: _____

Action: _____

Date: _____

Signed by Mayor: _____

AUTHORIZATION FOR WARNING OF
REFERENDUM ON POWER PURCHASE
AGREEMENT WITH H.Q. ENERGY
SERVICES (U.S.) INC.

CITY OF BURLINGTON

In the year Two Thousand Eleven.....

Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, on August 9, 2010, the Burlington City Council passed a resolution approving a 26-year power purchase and sale agreement (PPA) between Vermont's electric distribution utilities, including Burlington Electric Department (BED), and H.Q. Energy Services (U.S.) Inc. (HQUS), a wholly-owned subsidiary of Hydro-Quebec, pursuant to which BED will purchase 5 MW starting in 2015 through 2020, 9 MW from 2020 to 2035, and 4 MW from 2035 to 2038;

WHEREAS, said resolution further authorized BED to proceed before the Vermont Public Service Board (PSB) to obtain all necessary approvals for its purchases under the PPA and, upon approval of the PPA by the PSB, to obtain the approval of Burlington voters;

WHEREAS, on April 15, 2011, the PSB approved BED's proposed purchases under the PPA with HQUS; and

WHEREAS, 30 V.S.A. §248(c) requires that the HQUS PPA be approved by a majority of Burlington voters at a duly warned annual or special meeting, and requires BED to provide the voters a written assessment of the risks and benefits of the HQUS PPA as identified by the PSB;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Burlington that the following referendum question be placed upon the ballot of a Special City Meeting to be scheduled by the Mayor and City Council:

REFERENDUM – APPROVAL OF POWER PURCHASE AGREEMENT WITH H.Q. ENERGY SERVICES (U.S.) INC.

“Shall the power purchase agreement between Burlington Electric Department and H.Q. Energy Services (U.S.) Inc. (HQUS) for the purchase of between 4 MW and 9 MW of energy starting in 2015 and continuing through 2038, with such purchase having been previously approved by the Vermont Public Service Board, be approved?*

* Pursuant to 30 V.S.A. §248(c), a written assessment of the risks and benefits of the proposed purchase of energy which were identified by the Public Service Board and believed to exist by Burlington Electric

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5 **Resolution Relating to**

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7 AUTHORIZATION FOR WARNING OF
8 REFERENDUM ON POWER PURCHASE
9 AGREEMENT WITH H.Q. ENERGY
10 SERVICES (U.S.) INC.
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15 Department is being provided to the voters by making copies available for public
16 inspection at the office of the City Clerk/Treasurer and at the office of Burlington
17 Electric Department.”
18
19

20 211150-00075

MEMORANDUM

May 10, 2011

To: Burlington City Councilors

From: Ken Nolan, BED Manager of Power Resources

RE: Hydro-Quebec Referendum

On August 9, 2010, the City Council approved BED's proposed contract with H.Q. Energy Services (U.S.) Inc. (HQUS) for 5 MW of power beginning in 2015 (and continuing through 2035) and an additional 4 MW of power beginning in 2020 (and continuing through 2038).

BED executed the contract and filed it with the Vermont Public Service Board on August 17, 2010 for approval pursuant to 30 V.S.A. §248. The Public Service Board opened Docket 7670 and held both public and technical hearings and heard testimony from parties to the Docket during late 2010 and early 2011. On April 15, 2011, the PSB issued a final order which concluded that the proposed purchase "will promote the general good of the State under 30 V.S.A. § 248(a)(1)."

The contract will be delivered from Hydro Quebec's fleet of generating sources, the vast majority of which are hydro electric facilities. Under the contract energy will be delivered during the 16 peak hours of each day of the week. Additionally, the Vermont legislature in 2010 determined that power delivered from Hydro Quebec's hydroelectric resources is considered "renewable." The proposed contract, which is a subset of a larger group of agreements between HQUS and most of Vermont's distribution utilities is both reasonably priced (initially \$58.07 per mWh in 2012) and possesses advantages when compared to other similar options.

The Introduction to the PSB Order summarizes the benefits of the proposed contract: "The proposed HQ PPA would provide a number of benefits to the Vermont utilities and their ratepayers. First, over the term of the contract the price of power is expected to be competitive with or favorable to market prices, and is less expensive than currently available sources of power with similar characteristics. Second, the price for this power is expected to be more stable than purely market-based purchases due to the formula for determining its future price. This formula is based not only on market prices for power but also on inflation, and includes a buffering feature that limits year-to-year price fluctuations. Third, the Vermont utilities will receive environmental attributes associated with the energy delivered by HQUS into the New England market in an amount matching the Vermont utilities' purchases under the HQ PPA and reflecting at least 90 percent

hydroelectricity, which Vermont law recognizes as renewable.” The full text of the Order is found at <http://psb.vermont.gov/sites/psb/files/orders/2011/7670FinalOrder.pdf>.

The contract has already been approved by the Burlington Electric Commission, the Board of Finance, the City Council, and the Vermont Public Service Board. Under Vermont statutes the final stage of approval for long term out-of-state contracts, such as the proposed HQUS contract, is to put the matter before the voters for approval.

BED is now requesting that the Council approve the inclusion of this ballot item for the Special City Meeting to be held in June which also will include consideration of BED's proposed revenue bond.

BED staff will be in attendance at the council meeting to answer any questions you may have.

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2 **Resolution Relating to**
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RESOLUTION
Councilors Mulvaney-Stanak,
Sponsor(s): _____
Adrian _____

Introduced: 05/16/11

Referred to: _____

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8 **TERM LIMITS FOR CITY COMMISSIONS AND BOARDS**
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Action: _____

Date: _____

Signed by Mayor: _____

12 **CITY OF BURLINGTON**
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15 In the year Two Thousand Eleven.....

16 Resolved by the City Council of the City of Burlington, as follows:

17
18 That WHEREAS, the City of Burlington has over 20 commissions and boards with hundreds
19 of residents serving to further the work of City Departments and matters of public good; and

20 WHEREAS, the City Council appreciates the service and expertise offered by all
21 residents who have served on commissions and boards in Burlington; and

22 WHEREAS, the City Council annually appoints new commission and board members in
23 June when terms expire and fills vacancies on commissions and boards as seats become vacant
24 throughout the year; and

25 WHEREAS, the City Council is set to take up such appointments to the various
26 commissions and boards a fortnight from now; and

27 WHEREAS, each commission and board is charged with unique duties and scopes of
28 work given the purview of the commission or board; and

29 WHEREAS, the City Council strives to appoint qualified residents who bring expertise
30 and diverse perspectives representing the geographic, political, ethnic, racial, gender and
31 generational diversity valued and embraced by all Burlingtonians; and

32 WHEREAS, the City Council values the growing diversity within Burlington and strives
33 to have this diversity reflected within city government to better the decisions and policies
34 enacted by all levels of government; and
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37 **Resolution Relating to** TERM LIMITS FOR CITY COMMISSIONS AND
38 **BOARDS**

39
40 WHEREAS, some members of the various commissions and boards have served 10, 15
41 and even over 20 years and while these extensive years of service are appreciated, incumbents
42 are given deference for reappointment under our current appointment system;

43 NOW, THEREFORE, BE IT RESOLVED that the Charter Change Committee of the
44 City Council consider establishing term limits for members of the commissions and boards of the
45 City of Burlington; and

46 BE IT FURTHER RESOLVED that the Charter Change Committee explore various
47 options to the term limit system including, but not limited to: staggered terms; mandatory
48 sabbaticals; reappointments to hard-to-fill commission/board sets; and any other model embraced
49 by other municipalities that would serve to reward loyal service, while at the same time
50 achieving the goal of a diverse membership poised to infuse new ideas and perspectives into how
51 we view City affairs.

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2 **Resolution Relating to**
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7 **PROPOSED TEMPORARY FUEL SURCHARGE**
8 **ON TAXICAB RATES**
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12 **CITY OF BURLINGTON**
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14 In the year Two Thousand Eleven.....
15 Resolved by the City Council of the City of Burlington, as follows:
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17 That WHEREAS, pursuant to the Charter of the City of Burlington, Sec. 48XVII, and the
18 Code of Ordinances of the City of Burlington, Chapter 30, the City Council has the authority to
19 regulate the fare rates applicable to all taxicab rides originating within the City of Burlington;
20 and

21 WHEREAS, the City Council, pursuant to §30-36 of the Code of Ordinances, has
22 established a yearly adjustment in taxi rates through the use of the Public Transportation Index;
23 and

24 WHEREAS, a 5.3% increase for taxicab fares was made pursuant to the Public
25 Transportation Index beginning July 1, 2010 for Airport/metered Taxi's and August 1,2010 for
26 non-metered taxis; and

27 WHEREAS, the Public Transportation Index (PTI) ostensibly takes into account the
28 increased costs of fuel; and

29 WHEREAS, nevertheless, the recent and significant increase in the price of gasoline is
30 resulting in a serious burden to the taxi industry and consumers; and

31 WHEREAS, while the taxi industry received a 5.3% taxicab rate increase this July, it is

RESOLUTION
Councilor Dober
Sponsor(s): _____
Introduced: 05/16/11
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Signed by Mayor: _____

34 **Resolution Relating to**
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36 quickly being consumed by the affects of rising fuel prices; and

37 WHEREAS, at its meeting on May 5, 2011, the Taxi Licensing Appeals Board voted to
38 recommend to the City Council that it provide for a temporary fuel surcharge on taxicab rides as
39 follows:

40 (1) A \$.50 fuel surcharge for final fares up to \$10;

41 (2) A \$.75 fuel surcharge for final fares up to \$15;

42 (3) A \$1 fuel surcharge for final fares over \$15;

43 NOW, THEREFORE, BE IT RESOLVED that the City Council hereby establishes a
44 temporary fuel surcharge ("the surcharge") in accordance with the following terms and
45 conditions:

46 (1) Any taxicab license holder may, but is not required to, impose the surcharge
47 described herein.

48 (2) The surcharge shall be as follows: \$.50 for final fares up to \$10, \$.75 for final
49 fares up to \$15 and \$1 for final fares over \$15; and

50 (3) For metered taxis, the surcharge will not appear on the meter but will be added to the
51 final fare.

52 (4) The surcharge may be assessed beginning on the date written below and expire on
53 December 31, 2011, unless amended before, at which time it will automatically terminate
54 unless extended by the City Council.

55 (5) In addition to the placard required by Section 30-39, each taxicab driver assessing the
56 surcharge shall ensure that a notice stating the surcharge rates and expiration date
57 established by this resolution is prominently displayed in the passenger compartment of
58 the taxicab.



Taxi Licensing Appeals Board

J. Jeffrey Munger
Chairperson of the Board
Gene Richards
Vice-Chairperson

Administrative Offices

Burlington International Airport
1200 Airport Drive, Box 1
South Burlington, VT 05403
Tel: 802-863-2874
Fax: 802-863-7947

MEMO

TO: City Council

FROM: Taxi Licensing Appeals Board and Taxi Issues Working Group

RE: Temporary Fuel Surcharge on Taxicab Rates

DATE: May 10, 2011

On September 15, 2008, the Council established a temporary fuel charge based on the recommendation of the Taxi Issues Working Group. The twenty-five cents surcharge per fare was passed in an effort to address mounting concerns about the high cost of fuel. Again, we are faced with fuel prices that have increased in excess of twenty-five percent. This significant increase in the price of gasoline is resulting in a serious burden to the taxi industry. It has also resulted in unauthorized surcharges of as much as \$3 per ride being imposed on consumers by some taxi companies.

For this reason, the Taxi Licensing Appeals Board and Taxi Issues Working Group are proposing that the City Council a temporary fuel surcharge on taxicab rates as follows:

- (1) A \$.50 fuel surcharge for final fares up to \$10
- (2) A \$.75 fuel surcharge for final fares up to \$15
- (3) A \$1 fuel surcharge for final fares over \$15

These surcharges are reasonable and do not overburden consumers while offering some relief to the taxi industry.

Resolution Relating to

RESOLUTION
Councilors ~~Adrian,~~
Sponsor(s): ~~Blais, Berezniak, Hartnett~~
Introduced: 05/16/11
Referred to: _____
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Date: _____
Signed by Mayor: _____

PUBLIC RECORDS LAW

CITY OF BURLINGTON

In the year Two Thousand Eleven.....

Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, the Burlington City Council is granted sole authority for regulating “the time and manner in which examination of public documents, land records and other public records can be made” by virtue of Section 48, Subsection 35 of the Burlington City Charter; and

WHEREAS, the Council recognizes the prerogative of all citizens, including Mayor Bob Kiss, to address the Vermont Legislature concerning matters of public concern; and

WHEREAS, by letter dated April 26, 2011, Mayor Bob Kiss on City letterhead communicated to the Vermont Senate Government Operations Committee his opposition to the mandatory attorney's fees provision in H.73, a bill that would have facilitated citizen access to public records by requiring that attorney’s fees be awarded to a citizen who had substantially prevailed in litigation seeking access to public records; and

WHEREAS, the communication by Mayor Bob Kiss to the Vermont legislature failed to indicate that, by City Charter, matters pertaining to public records in the City of Burlington are properly within the domain of the City Council, not the Mayor’s office; and

WHEREAS, contrary to the position espoused by Mayor Kiss, it is the view of the City Council that the principles of open government are best promoted by transparency and encouragement of citizen access to public records; and

WHEREAS, contrary to the position espoused by Mayor Kiss, the Vermont Legislature passed H.73, and it is expected that the bill will be signed by Governor Peter Shumlin;

36 **Resolution Relating to** PUBLIC RECORDS LAW
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39 NOW, THEREFORE, BE IT RESOLVED that the Council affirms its support for
40 improved public records access and its support of the passage of H.73; and

41 BE IT FURTHER RESOLVED that all employees and agents of the City of Burlington
42 embrace the spirit as well as the letter of the new law, thus enhancing citizen access to public
43 records and documents.

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46 lb/kas/c: Resolutions 2011/Public Records Law (revised)
47 5/10/11

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2 **Resolution Relating to**
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7 **THE HIRING OF A NEW AIRPORT DIRECTOR**
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RESOLUTION
Sponsor(s): Councilor Paul,
Councilor Adrian,
Councilors Blais, Berezniak, Wri
Introduced: 05/16/11
Referred to: _____
Action: _____
Date: _____
Signed by Mayor: _____

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13 **CITY OF BURLINGTON**

14 In the year Two Thousand Eleven.....

15 Resolved by the City Council of the City of Burlington, as follows:

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17 That WHEREAS, the Administration recently engaged in an interview and hiring process that
18 included a 22 member interview team made up of city employees, all five Airport
19 Commissioners and five community members representing air travel, transportation, business
20 and commerce; and

21 WHEREAS, this process concluded that there was a candidate that was deemed to be the
22 "best of the four" candidates interviewed; and

23 WHEREAS, this process became lengthy and at times drawn out hampered by delays due
24 to a variety of factors; and

25 WHEREAS, the process in its finality resulted in the candidate proposed by the
26 Administration, again due to a variety of factors, taking a position elsewhere; and

27 WHEREAS, on May 2, 2011, the Airport Commission unanimously resolved the
28 following:

29 * The Airport Commission is concerned that the advertised salary may not be sufficient to
30 attract a candidate with the skills necessary to manage the Airport, and prior to posting the
31 advertisement for the position the Airport Commission would like to see the results of a survey
32 of salaries of directors of comparable airports.

33 * The Airport Commission believes the interim Airport Director is capable of managing the

Resolution Relating to THE HIRING OF A NEW AIRPORT DIRECTOR

Airport until a permanent director is hired.

* The Airport Commission recommends restarting the Airport Director search in April, 2012;

WHEREAS, additionally, the Airport Commission has been in contact with the Boyden Group, a global executive search organization with an expertise in aviation. The firm can offer assistance to the Commission and the Administration on conducting a search, offering expertise in designing a process or refining a salary necessary to attract the ideal candidate for this position; and

WHEREAS, this City Council recognizes the position of Airport Director is a most important position in the City and supports the Airport Commission's hard work and their unanimous recommendation with regard to this hire;

NOW, THEREFORE, BE IT RESOLVED that the City Council requests that the Administration refrain from initiating another search for an Airport Director until April, 2012 and further requests that the Administration allow the current Interim Director to remain in his position until said time.